

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
December 5, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 P.M., Tuesday, December 5, 2000, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. Landon Haywood, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Zaremba and Sheriff Diggs congratulated the following deputies upon the occasion of their 20th anniversary with York County, and presented them with 20-year pins and citations:

William M. Chick
James E. Richardson
Barry D. Holloway

YORK COUNTY YOUTH COMMISSION

Mr. Daniel Shean, Chairman of the York County Youth Commission, made a presentation giving the Board members the second quarterly report of the Commission's activities. He listed the activities the Youth Commission had been involved in such as Youth Week, Volunteer Day, and noted the Commission's subcommittees were busy with special projects such as hosting a County-wide dance on January 27, the Adopt-A-Highway Program, revisions to the Commission's website, a contest for a new logo, and hosting a Youth Forum. He stated the Commission had assisted with Yorktown Day activities and the Christmas Tree Lighting Ceremony, and they had voted to amend the Commission's bylaws to increase its membership to 15 members and to establish a Student Relations Subcommittee. Mr. Shean indicated the Commission was now working on the Outstanding Youth Awards for this year.

CITIZENS INSTITUTE

Mrs. Anne B. Smith, Director of Community Services, made a presentation bringing the Board members up to date on prior recommendations of the Youth Commission based on the York County Youth Commission Survey of 1999. She provided background information on the survey as to how the idea of the survey came about and how it was administered. She discussed the results of the survey which indicated there was a 72 percent satisfaction rating by the students of the County. Mrs. Smith noted the Board of Supervisors acknowledged the survey results and recommendations but did not act on this collectively at that time. She then reviewed actions that have been taken on a case-by-case basis which addressed most of the recommendations. In connection with the survey's recommendation that something be done about development and congestion in the lower County, there were no specific recommendations, but the survey results did suggest a need for more communication and understanding. Activities which have taken place since the survey to further communication have included the Youth Commission's website, youth forums, the Local Government 101 Seminar, a solicitation of the youth perspective on major issues, Youth Week activities, the proposal for a Citizens Institute, and programming on Channels 46 and 47. The survey recommendation for the addition of more recreational facilities and programs for teens in the County was addressed by the conduct of trips specially planned for teens, the establishment of open gyms, the promotion of volunteer and service activities, and the on-going progress of plans for the YMCA Community Center.

Chairman Zaremba asked when the YMCA thought it would be starting construction on the community center.

Mrs. Smith stated the YMCA is very optimistic, hoping to begin construction in about 12 months.

CITIZENS INSTITUTE

Mrs. Smith made a presentation on the planning effort to implement one of the Board's goals and objectives through a proposed Citizens Institute. She noted the purpose of the proposal was to enhance citizens' understanding of and involvement with York County government. Mrs. Smith then reviewed the characteristics of the proposed program, including public promotion for registration, no registration fees, conduct of semi-annual classes on four consecutive Fridays which would incorporate field trips, and one evening mini-institute for those who could not make a daytime function. She indicated the proposal called for the sessions to be held in York Hall where the participants would meet the members of the Board of Supervisors and receive classroom style presentations by local, state, and federal government officials. The proposed field trips might include visiting the County's parks, the 911 Center, the juvenile detention center, observing the Geographic Information System, visiting a Head Start classroom, and line dancing at the Senior Center. There would be no cost to the citizens, and County costs would only include printing, some refreshments, some transportation, and staff time. Mrs. Smith reviewed the implementation schedule for the program, noting that the curriculum would be complete by February, 2001, with the Institute being held in September/October. She concluded her remarks by asking the Board to review the proposal and provide input to the program.

Miss Rapp expressed her excitement about the program.

Mrs. Noll indicated that during the last several years the Neighborhood Conference was actually a mini-Citizens Institute. She expressed her hope that the people in York County will be attentive to what this program offers.

Mr. Burgett stated he felt the proposed program was a terrific product, and also stated he felt Mrs. Smith's "Local Government 101" seminar should be the initial training session because it sets the stage for everything else that will be discussed.

CITIZENS COMMENT PERIOD

Mrs. Pam Pouchot, 103 Kimberly Court, spoke concerning proposed House Bills 246 and 247 dealing with the illegal possession of firearms on school properties, and she asked the Board to offer a formal letter of support for the legislation to the General Assembly. She noted the Board would have to make a decision at this time because the committee would act on December 14.

Sheriff J. D. Diggs recognized and commended the Electoral Board, the staff of the Registrar's Office, and all the election workers for their hard work during the recent election. He also thanked the County for having the foresight to appropriate money for new voting machines.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett indicated his office takes part in legal education seminars for County staff, and they will again in February conduct a legal issues seminar. He also noted that last night Mrs. Hook, the Assistant County Attorney, spent 2 ½ hours in Gloucester County with a regional group of fire and life safety personnel conducting a seminar on issues pertaining to code enforcement. Mr. Barnett then indicated that December 18 is the deadline for pre-filing bills for the next session of the General Assembly. After that date, each legislator will be allowed to submit only six more bills. He stated he has started receiving pieces of legislation, noting that last year there were over 3,000 bills introduced. Mr. Barnett indicated that his office does its best to keep up with all the bills, and in the coming weeks he would be bringing to the Board's attention any legislation that might impact on the County. He asked the Board to look for regular reports by way of email as well as by written memoranda.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck distributed a draft letter that had been prepared to Mr. James Cleveland of the Virginia Department of Transportation regarding proposals the County has for Route 17 improvements. He asked the Board to review the draft and make any changes necessary. He indicated an item to approve the signing of the subject letter would be placed on the Board's December 19 agenda for discussion and action. Mr. Stuck then noted that the Board's information package this evening contained a final report on the New Quarter Park opening through Thanksgiving of this year.

Meeting Recessed. At 7:55 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:05 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARING**TAX EXEMPTION FOR RUNNING MAN HOMEOWNERS' ASSOCIATION RECREATION PROPERTY**

Mr. Stuck made a presentation regarding the request of the Running Man Recreation Association to become exempt from property taxation. He stated the item was requested by Miss Rapp, and a gentleman from the Association was present this evening to answer any questions the Board might have regarding the request. He noted that the Association did not sell memberships to the general public, but a member must be a property owner in the subdivision. He stated the issue here is whether or not the Board wishes to endorse a tax exemption for this organization. Under Virginia law in a situation with a mandatory homeowners' association, association amenities are considered to be valued as a part of each homeowner's lot. In Running Man and a couple of other subdivisions in the County, the homeowners' associations are not mandatory, and any recreational property in these cases is taxed separately. The General Assembly must approve a tax exemption, and it requires that the request be endorsed by the local governing body. The second option of the Board is not to endorse the request, and the third option is not to endorse the request but make a contribution to the homeowners' association equal to the value of its taxes each year. He stated the latter option retains the Board's opportunity each year to give or not to give the exemption. He noted the other subdivisions that would qualify for exemption are Edgehill, Marlbank Farms, and Queens Lake.

Discussion followed concerning the differences between the mandatory and non-mandatory homeowners' associations and how they are taxed.

Miss Rapp explained that the requester was not the Running Man Homeowners' Association but a separate recreation association, a separate entity.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-204 which was duly advertised as required by law and is entitled:

A RESOLUTION SUPPORTING THE REQUEST OF THE RUNNING
MAN RECREATION ASSOCIATION, INC. TO BECOME EXEMPT
FROM PROPERTY TAXATION

Mr. Daniel Murri, 119 Pamunkey Turn, representing the Running Man Recreation Association, Inc., elaborated on the differences between the homeowners' association and the recreation association. He explained that the recreation association was established later by the residents who wished to have pool facilities. As the staff memorandum stated, paid memberships were not available to the general public. He stated at this time the \$129 tax bill was not a concern to the Association, but the concern would come if the assessment were to go up many fold because of the improvements made to the property. Mr. Murri stated it was the Association's belief that it qualified for the tax exemption, and he asked the Board's support and approval of the request.

Discussion followed regarding the Association's property assessment.

Chairman Zaremba stated the central issue was whether or not the organization fell in the category as outlined in the staff memorandum.

Mr. Barnett gave his opinion that it was a taxable organization. The governing statute talks about ownership of a planned development, and situations where people who live in the

planned development own by virtue of covenant or deed a restricted right to use the common property. In those situations, the property is deemed to have no assessed value. He stated in that sense he did not believe the Running Man Recreation Association was dedicated solely to the residents of Running Man, but the Association has chosen to voluntarily limit itself that way. Mr. Barnett stated there was no binding document that requires the Association to limit themselves in that way. He stated the statute required this public hearing, but it did not mean the General Assembly would not act without a resolution of the Board. There just must be evidence that a timely request was made to the Board and the Board's subsequent decision to endorse or not to endorse the request.

Mr. Murri stated that even though there may be no legal document stating the Association won't sell open memberships, it was agreeable between the developer and the community association.

There being no one else present who wished to speak concerning the subject resolution, Chairman Zaremba closed the public hearing.

Miss Rapp stated he also understood that there were agreements in place not to sell open memberships to the pool facility. She expressed her support of this request, stating the Association has followed through on the process to become a non-profit organization.

Mr. Wiggins noted the County was losing only \$129, and stated he felt the Board should give the Association its endorsement in that there were so few recreation centers or pool facilities in the County.

Mrs. Noll expressed her concern, stating every homeowners' association pays dues, and if one of them has a recreation center within the association that is prorated, their taxes are added to their individual lots.

Mr. Burgett stated the Association has met all requirements for 501(c)(3) which makes it a charitable association. He stated he felt it meets the spirit of the provisions for tax exemption.

Discussion followed.

Miss Rapp moved the adoption of proposed Resolution R00-204 which reads:

A RESOLUTION SUPPORTING THE REQUEST OF THE RUNNING
MAN RECREATION ASSOCIATION, INC. TO BECOME EXEMPT
FROM PROPERTY TAXATION

WHEREAS, exemption from local property taxes requires approval by the General Assembly; and

WHEREAS, Section 30-19.04 of the Code of Virginia addresses such exemptions and Subsection B of Section 30-19.04 requires that the local governing body advertise and conduct a public hearing and consider a series of questions prior to adopting a resolution supporting the requested exemption; and

WHEREAS, the required public hearing has been advertised and conducted and the Board of Supervisors has duly examined and considered the questions contained in Subsection B of Section 30-19.04 of the code of Virginia;

December 5, 2000

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 5th day of December, 2000, that this resolution be, and is hereby, adopted in support of the request of the Running Man Recreation Association, Inc. to become exempt from property taxation.

BE IT FURTHER RESOLVED, that it is recommended that the property of the Running Man Recreation Association, Inc., currently valued at \$15,000 resulting in a tax assessment of \$129, be included in the public park and playground tax exemption classification.

On roll call the vote was:

Yea: (4) Wiggins, Burgett, Rapp, Zaremba
Nay: (1) Noll

COUNTY ADMINISTRATOR REPORTS AND REQUESTS (Continued)

At this time Mr. Stuck displayed for the Board members a video depicting an update on the following construction projects on-going in the County:

Ballard Street Sidewalks
Administration Building Interior Demolition/Renovation
Finance Building Construction and New Offices
Tabb Middle School Construction and New Roof
Seaford Elementary Gymnasium
Sewer Projects
Yorktown Library Renovations
Environmental & Development Services Building Addition

Mr. Stuck stated that since 1995 \$15.5 million had been spent on new and renovated County buildings, and this completed a 10-year effort to build and improve the County's facilities.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated the Christmas Tree Lighting Ceremony and Boat Parade were great events this year. She informed the Board members she had attended the ceremony dedicating the new library at Langley to former Congressman Herb Bateman, and she attended a farewell dinner for Dr. Herman Grunder of the Jefferson Laboratories.

Miss Rapp congratulated the Tabb High School Girls Field Hockey Team for attaining the No. 1 spot in the State.

Mr. Wiggins expressed his appreciation to the employees of the County for their efforts during the past year and explained his feelings as to why the Board provided only one extra day of holiday time this year.

Mr. Burgett also noted his enjoyment with this year's Christmas Tree Lighting Ceremony and Boat Parade, and he congratulated the Historical Committee and Marge Funk and her committee for a great job.

Chairman Zaremba added his comments about the Christmas Tree Lighting Ceremony, noting a candlelight procession was held before the lighting ceremony, and carols were sung prior

to the Boat Parade. He then noted that the Board of Supervisors and members of the staff met with the School Board last week for a first joint meeting on the FY2002 budget cycle. He stated there was a good and close professional working relationship between the two boards, and the staff of each shared projected revenues for the upcoming year as well as projected needs. Chairman Zaremba then addressed the latest issue of Citizen News, stating all residences should have received it in the mail by now. He encouraged the citizens to read the articles and gain information on the programs and services offered to York County citizens, and noted that it also lists the phone numbers of the Board members so that the citizens can contact them.

Chairman Zaremba asked that Mr. Carter provide the Board by the next meeting with an update on the Dare Marina site plan review. He then spoke concerning the Board's action concerning the Land Use Program last year to delete the categories of Forestry and Open Space from the program, and noted he was seeing a lot of clear-cut property. He stated he would like to know how quickly the County's green space was being developed, indicating it might be an issue the Board should address. Chairman Zaremba also stated the Board looked forward to recognizing the Tabb High School Girls Field Hockey Team and their coaches with a resolution of appreciation.

UNFINISHED BUSINESS

APPLICATION UP-523-97 (MINOR AMENDMENT), FAIRFIELD COMMUNITIES, INC.

Mr. Stuck indicated this application was tabled from the last meeting in order to receive comment from the Williamsburg Chamber of Commerce about eliminating the pitch and putt golf course. Mr. Hershberger forwarded correspondence indicating the Chamber did not object to the elimination.

Mr. Tim Cross, Acting Chief Planner, provided a short summary of the application and reiterated that the Williamsburg Chamber of Commerce poses no objection to the elimination of the golf course. He stated that Mr. Moore who represented Fairfield was present to answer any further questions.

Chairman Zaremba indicated his concern had to do with the golf course, stating there was a huge initiative in the area to bring in full 18-hole golf courses, and it seemed to him inconsistent with the initiative to give up this particular amenity. He asked Mr. Moore if there was any plan to build more timeshares on the property that would otherwise have been used for the golf course.

Mr. Moore indicated there would not, and he noted that the City of Williamsburg has objected to the proposed golf course from the start of the project. He stated the space allocated originally for the golf course will have a couple of tennis courts and some other amenities with landscaping.

Mr. Wiggins then moved the adoption of proposed Resolution R00-177 which reads:

A RESOLUTION TO APPROVE A MINOR AMENDMENT TO APPLICATION NO. UP-523-97 TO AUTHORIZE THE DELETION OF A PUBLIC NINE-HOLE GOLF COURSE AND REDESIGNED RESORT AMENITIES AND BUILDING LOCATIONS

WHEREAS, Fairfield Communities, Inc., has submitted a request for a minor amendment to an existing use permit, Application No. UP-523-97 (Revised), pursuant to the terms of Section 24.1-115(d)(2) of the York County Zoning Ordinance to authorize the deletion of an approved public golf course, the elimination of three building pads by replacing nine two-story buildings with six three-story buildings, the relocation of the maintenance building, and the addition and relocation of private resort amenities on 57.01 acres of property located approximately one (1) mile east of the intersection of Mooretown Road (Route 603) and Airport Road (Route 645) and further identified as Assessor's Parcel No. 5-50; and

WHEREAS, the Board has carefully considered the staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 5th day of December, 2000, that it does hereby approve a minor amendment to Application UP-523-97 (amended) to permit the deletion of an approved public golf course, the elimination of three building pads by replacing nine two-story buildings with six three-story buildings, the relocation of the maintenance building, and the addition and relocation of private resort amenities, subject to the following conditions:

1. This shall authorize the amendment of use permit UP-523-97 Revised, to include the deletion of a public golf course and clubhouse, the deletion of three building pads, the relocation of the maintenance building, and the addition and relocation of private resort amenities.
2. A transitional buffer type-25 (25-foot) shall be constructed around the resort. In addition, a 35-foot landscaped buffer shall be constructed along Mooretown Road (Route 603) as depicted on the Site Development Plan revised October 16, 2000.
3. Miniature golf courses shall not provide any features or elements that are visible from anywhere outside of the resort boundary.
4. Recreational amenities and outdoor roofed activity/picnic shelters shall be for private guest use only.
5. The general layout and design of the site shall conform to the Site Development Plan titled "Fairfield Williamsburg at Governor's Green," dated October 16, 2000. The six-acre parcel to be developed for future commercial use labeled on the above-referenced October 16 site plan as "Commercial" is hereby excluded.
6. Failure to establish the timeshare use authorized by the permit within three (3) years from the date of approval by the Board shall cause the permit to terminate automatically. For the purposes of this use permit, establishment of the timeshare use shall be deemed to be achieved upon approval of the site plan for the project and issuance of a land disturbing activity permit.
7. A site plan encompassing the entire 57.01-acre timeshare area, identified as Parcels 1 and 2 on the subdivision plat titled, "Subdivision of the Property of Richmond Road Associates, L.L.C., Parcel Containing 63.510 acres," dated June 22, 1998 (Plat Book 12, Page 607), shall be prepared in accordance with Article V of the York County Zoning Ordinance and submitted to and approved by the County prior to the owners commencing any construction activity on the subject property. As part of the site plan, an im-

pact study shall be completed consistent with Section 24.1-376(f), Watershed Management and Protection Area Overlay District, of the Zoning Ordinance.

8. Left and right turn lanes along Mooretown Road at the entrance to the development shall be installed prior to the commencement of construction of any portion of the timeshare resort, as outlined in "Traffic Analysis for Mershon Tract on Mooretown Road Extended," prepared by DRW Consultants, Inc., and dated September 25, 1997. These additional lanes shall be approved by the Virginia Department of Transportation (VDOT) prior to construction.
9. The timeshare resort shall have a maximum of 350 units, including any "lockout units."
10. All streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
11. The resort shall be served by sanitary sewer and public water prior to the issuance of occupancy for any timeshare units.
12. Permanent year-round residential occupancy by any individual or family other than that of a resident caretaker/manager shall be prohibited.
13. The development shall consist only of units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.
14. Proposed procedures and regulations for maintenance and upkeep of the facility shall be submitted to the Zoning Administrator for review and approval at the time of the initial site plan submission for the project.
15. Parking shall be provided at a ratio of no fewer than 1.3 spaces per timeshare unit.
16. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.
17. These conditions shall supersede all other conditions related to this Use Permit.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 4 and 5, respectively.

On roll call the vote was:

December 5, 2000

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. AMENDMENT TO THE YORK COUNTY YOUTH COMMISSION BYLAWS: Resolution R00-191

A RESOLUTION TO AMEND THE BYLAWS OF THE YORK COUNTY YOUTH COMMISSION

WHEREAS, the York County Youth Commission was established by the Board of Supervisors in 1983 to "serve as a communications link between the youth of York County and the government of York County;" and

WHEREAS, Article VIII, "Amendments" of the Youth Commission's bylaws specifies that said bylaws may be amended by a two-thirds majority vote of the commission, which equates to seven of the ten commissioners, subject to approval of the Board of Supervisors; and

WHEREAS, proposed changes to the bylaws were unanimously approved by the eight members present at the commission's regularly scheduled monthly meeting of November 1, 2000; and

WHEREAS, these bylaw modifications reflect the Board of Supervisors' desire to give greater opportunity for more students to serve on the Youth Commission by increasing membership to "up to fifteen" commissioners in the future; and

WHEREAS, the proposed changes also create the establishment of a third standing committee, to be called the "Student Relations Committee," whose responsibilities shall include coordination of "all activities and projects pertaining to the communication of youth issues and ideas" as well as "for projects focusing on youth development;" and

WHEREAS, these and other minor changes are all intended to enhance the effectiveness of the Youth Commission and to lend clarity to its respective standing committees and their responsibilities;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 5th day of December, 2000, that the Youth Commission's bylaws be, and they are hereby, amended as follows:

REVISED

YORK COUNTY YOUTH COMMISSION

BYLAWS

ARTICLE I. NAME

Section 1. Name.

The name of this organization shall be the York County Youth Commission and shall hereby be known as the Y.C.Y.C.

ARTICLE II. PURPOSE OF COMMISSION

Section 1. General Purpose.

The purpose of this organization is to serve as a communications link between the youth of York County and the government of York County.

Section 2. Specific Functions.

Specific functions of the Commission shall include, but not be limited to the following:

- a. To serve as a liaison between the York County Board of Supervisors and the youth of York County.
- b. To serve as a forum for the youth of the County to present their ideas, needs, and suggestions.
- c. To investigate needs, problems, and issues affecting the youth of York County.
- d. To establish or strengthen services deemed important by the Board of Supervisors for the youth of York County.

ARTICLE III. MEMBERSHIP

Section 1. Appointments.

The Y.C.Y.C. membership shall consist of up to fifteen student members representing grades 9-12. Three members from each of the five voting districts will be appointed by the Board of Supervisors provided each district has at least three qualified applicants. The Board may appoint members at-large whenever one or more districts have fewer than three appointees. Each member is appointed for a term of one year.

Section 2. Vacancies.

Vacancies for all commission members shall be filled by persons appointed by the Board of Supervisors in accordance with the provisions of Article III, Section 1. above.

Section 3. Attendance.

The secretary of the Y.C.Y.C. shall be responsible for maintaining the attendance record and reporting to the Commission at its first regular meeting. In the event that any member misses two consecutive regular meetings, or misses a total of three meetings within any (one) twelve month period, the Chairman of the Commission shall inform the member of their attendance record and give the member an opportunity to be heard at the next regular meeting as to any absences. At said meeting the Chairman, or the subject member, shall present the explanation of absence. The member then will be put on a probationary period for three months at which time he or she cannot miss a meeting for a period of three consecutive

months. If he or she misses a meeting during the probationary period, it will be recommended to the Board of Supervisors that the member be removed.

ARTICLE IV. OFFICERS

Section 1. Election.

The officers of the Y.C.Y.C. shall consist of a Chairman, a Vice Chairman, and a Secretary. All officers shall be elected annually at the first regular meeting and shall serve for a term of one year. The first annual meeting shall be held in August, with date to be determined by Staff Liaison.

Section 2. Duties of Officers.

Chairman:

The Chairman shall preside at all regular and special meetings of the Commission. The Chairman shall be an ex-officio member of all standing committees and should be notified of their members. The Chairman shall make quarterly reports to the Board of Supervisors concerning the activities of the Y.C.Y.C. Near the end of the term the Chairman shall appoint a committee to audit the financial transactions.

Vice Chairman:

The Vice Chairman shall preside in the absence of the Chairman and shall fulfill all other duties of the Chairman if the Chairman is unable to perform the duties of office.

Secretary:

The Secretary shall preside in the absence of the Chairman and Vice Chairman, and shall keep minutes of each regular or special meeting and maintain records of all standing committee meetings. The Secretary shall perform such other duties as may be delegated.

ARTICLE V. STANDING COMMITTEES

Section 1. Committees.

The following Standing Committees are hereby established: Public Relations, Special Projects, and Student Relations. The Commission Chairman shall appoint a Chairman for each committee.

Section 2. Duties of Standing Committees.

Public Relations Committee:

The Public Relations Committee shall publicize meetings and activities of the Commission and provide other public relations duties as assigned by the Commission.

Special Projects Committee:

The Special Projects Committee shall coordinate all service projects and county-wide social activities sponsored by the Commission.

Student Relations Committee:

The Student Relations Committee shall coordinate all activities and projects pertaining to the communication of youth issues and ideas. This committee will also be responsible for projects focusing on youth development.

ARTICLE VI. MEETINGS

Section 1. Place, Time, and Date of Meetings.

The York County Youth Commission shall meet once a month except in the month of July, at a date, time, and place to be designated at the August organizational meeting, unless notice is given in writing at least one week prior to the regularly scheduled meeting. Special meetings shall be called by the Chairman as occasion demands or upon written request of any three members of the York County Youth Commission.

ARTICLE VII. BUSINESS

Section 1. Business.

All affairs and business of the organization shall be determined upon majority vote of the members present and voting at any regular or special meetings at which at least 6 of the members are present. Meetings shall be conducted according to Robert's Rule of Order.

ARTICLE VIII. AMENDMENTS

Section 1. Amendments.

These Bylaws may be amended by a two-thirds vote of the entire Y.C.Y.C., subject to approval of the Board of Supervisors.

Item No. 5. DESIGNATION OF AGENT FOR GRANT FUNDING: Resolution R00-197

A RESOLUTION TO DESIGNATE THE COUNTY ADMINISTRATOR AS YORK COUNTY'S AGENT FOR THE PURPOSE OF APPLYING FOR GRANT FUNDING UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FROM THE BUREAU OF JUSTICE ASSISTANCE, DEPARTMENT OF JUSTICE

BE IT RESOLVED by the York County Board of Supervisors this the 5th day of December, 2000, that the County Administrator for the County of York, Virginia, is hereby authorized to execute for and in behalf of York County, a public entity established under the laws of the Commonwealth of Virginia, an application for grant funding from the Bureau of Justice Assistance, Department of Justice, under the Local Law Enforcement Block Grant program.

BE IT FURTHER RESOLVED by the York County Board of Supervisors that York County, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to act in connection with the grant application and provide to the Bureau of Justice Assistance such additional information as may be required.

December 5, 2000

Item No. 6. PUBLIC SEWER EXTENSION AGREEMENT—RAMSEY ESTATES: Proposed Resolution R00-186. (Removed from Consent Calendar)

Chairman Zaremba asked if there was any correlation between the cost and number of units in the subdivision.

Mr. Stuck explained that it is higher than the norm because the County constructed the system up to this point. An initial connection fee was established; and if the owner did not opt for connection in the first 90 days, the connection fee went up to \$8,000. The developer was notified that he had to pay the higher amount which is according to the County's current ordinance.

Chairman Zaremba then moved the adoption of proposed Resolution R00-186 which reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE
COUNTY'S SANITARY SEWER SYSTEM TO THE PROPOSED DE-
VELOPMENT, RAMSEY ESTATES, AND AUTHORIZING EXECUTION
OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Richard C. Epstein has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a residential development; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$162,400.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 5th day of December, 2000, that the Board approves the extension of the County's public sewer system to serve the proposed development, Ramsey Estates, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Richard C. Epstein for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

Item No. 7. WETLANDS BOARD GRANT: Proposed Resolution R00-195. (Removed from Consent Calendar)

Mrs. Noll commended Dave Rolston, Chairman of the York County Wetlands Board, who had been working on the grant project for three years. She explained that the Wetlands Board had been awarded a \$10,000 grant for the production of an educational video concerning the tidal wetlands permitting process.

Miss Rapp noted that there was no other program like this one in the state, and York County would be taking the lead in the state in providing basic information on the tidal permitting process. She expressed pride that York County wants to share the information in this program, which will be completed without York County taxpayer funds, with other localities.

Mrs. Noll then moved the adoption of proposed Resolution R00-195 which reads:

A RESOLUTION TO ACCEPT AND APPROPRIATE A DONATION TO
THE YORK COUNTY WETLANDS BOARD FROM THE VIRGINIA
PENINSULA ASSOCIATION OF REALTORS IN THE AMOUNT OF
\$10,000 FOR THE PRODUCTION OF A TIDAL WETLANDS PERMIT-
TING EDUCATIONAL VIDEO

WHEREAS, Virginia Peninsula Association of Realtors has made a generous donation of \$10,000 to the Wetlands Board in support of the Tidal Wetlands Permitting Educational Video;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 5th day of December, 2000, that the County Administrator be, and hereby is, authorized to accept the donation given by Virginia Peninsula Association.

BE IT FURTHER RESOLVED that \$10,000 be, and it hereby is, appropriated in the General Fund for the purpose of providing financial support for the production of the Tidal Wetlands Permitting Educational Video.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

Chairman Zaremba asked that a presentation be made to the Board once the video was completed.

Mr. Burgett also noted that the grant funding came from the Virginia Peninsula Association of Realtors which is very active in the County.

NEW BUSINESS

SENIOR CENTER LEASE AGREEMENT

Mr. Stuck indicated staff had been seeking a larger home for the Senior Center for quite some time. The Board had been given a detailed memorandum detailing the three options. He stated staff recommended that additional space be leased in Washington Square Shopping

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Center, and Mrs. Smith has negotiated a 5-year lease. Mr. Stuck stated that funding has been set aside in the recreation budget for this purpose, but it will raise the budget by \$50,000 for the next four years.

Mr. Wiggins agreed that the senior citizens needed a larger space. He noted there was a clause in the lease agreement that indicated if the funds were not appropriated each year the lease would be void.

Mrs. Smith stated that was correct. Should the Board choose not to fund the agreement in the following years, the lease would not be binding on the County. She also stated that the agreement was negotiated on good faith by the staff of the Board of Supervisors, and that with entering into the lease there would be an expectation of continuing with the lease for the term.

Mr. Burgett stated he felt Mrs. Smith had negotiated a very good lease, and he was very pleased.

Discussion followed regarding the appropriation clause in the proposed lease.

Mrs. Noll moved the adoption of proposed Resolution R00-200 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH GRAFTON II ASSOCIATES, A VIRGINIA GENERAL PARTNERSHIP AND HARVEY LINDSAY COMMERCIAL REAL ESTATE, AGENT, FOR RENTAL SPACE AT WASHINGTON SQUARE SHOPPING CENTER FOR THE SENIOR CENTER OF YORK

WHEREAS, the York County Board of Supervisors has a long standing commitment to services which benefit the elderly citizens of York County; and

WHEREAS, the County currently operates the Senior Center of York in 3,100 square feet of rented space at Washington Square Shopping, which has become far too small for the daily program needs of the Center; and

WHEREAS, the owners and agents of Washington Square Shopping Center have offered a lease agreement for Units 17, 18, and 19 containing approximately six thousand three hundred and sixty-seven (6,367) square feet of gross floor area for the Senior Center of York for an annual rent of \$65,771.11; and

WHEREAS, this space will accommodate the needs of the Center and will do so with a reasonable level of renovation and the funds for both the rental payments and for the renovations are available in the current budget; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 5th day of December, 2000, that the County Administrator be, and he is hereby, authorized to execute a lease agreement with Grafton II Associates, a Virginia General Partnership and Harvey Lindsay Commercial Real Estate, agent for the owner, substantially in the form as submitted to the Board by the County Administrator, for the operation of the Senior Center of York for the term February 1, 2001 January 31, 2006, in approximately six thousand three hundred and sixty-seven (6,367) square feet identified as Units 17, 18, and 19 of Washington Square Shopping Center, for rent in the amount of \$65,7071.11 annually and subject to the other terms and conditions of the lease and subject to approval by the County Attorney.

BE IT FURTHER RESOLVED that this lease agreement is subject to continuing annual appropriations by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

CLOSED MEETING. At 9:28 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-344(a)(3) pertaining to the acquisition of public property; and Section 2.1-344(a)(7) pertaining to consultation with legal counsel.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

Mrs. Noll left the meeting at 10:50 p.m.

Meeting Reconvened. At 11:03 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 5th day of December, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Rapp, Wiggins, Burgett, Zaremba

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Nay: (0)

APPOINTMENT TO THE EMPLOYEE GRIEVANCE PANEL

Mr. Burgett moved the adoption of proposed Resolution R00-199(R) which reads:

A RESOLUTION TO APPOINT A MEMBER TO THE EMPLOYEE GRIEVANCE PANEL

WHEREAS, James W. Thornton's term on the Employee Grievance Panel expired on September 30, 2000; and

WHEREAS, James W. Thornton is eligible for reappointment and has expressed a desire to continue to serve on the Employee Grievance Panel; and

WHEREAS, the Board has reviewed and considered Mr. Thornton's application as well as the applications of other citizens interested in serving in this capacity;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 5th day of December, 2000, that it does hereby reappoint James W. Thornton to the Employee Grievance Panel.

On roll call the vote was:

Yea: (4) Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

APPOINTMENT TO THE YORK COUNTY LIBRARY BOARD

Chairman Zaremba moved the adoption of proposed Resolution R00-163 which reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE YORK COUNTY LIBRARY BOARD

BE IT RESOLVED by the York County Board of Supervisors this 5th day of December, 2000, that Elizabeth C. Rogers be, and is hereby, appointed as a representative to the York County Library Board for a term of four years, such term to begin January 1, 2001, and end December 31, 2004.

On roll call the vote was:

Yea: (4) Burgett, Rapp, Wiggins, Zaremba
Nay: (0)

Meeting Adjourned. At 11:05 p.m. Chairman Zaremba declared the meeting adjourned sine die.

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Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors